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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,408	12/23/2003	Satoru Komatsu	107355-00100	9618

7590                    02/09/2005  
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EXAMINER
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A, MINH D

ART UNIT	PAPER NUMBER
	2821

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/743,408	KOMATSU ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Minh D. A	2821

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 23 December 2003.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-6 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-6 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7/02/03 (2/23/03).  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_ .

**DETAILED ACTION**

**Claim Rejections - 35 USC § 102**

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being unpatentable by Mckinzie III et al (US 6,218,773).

Regarding claim 1, Mckinzie discloses an aperture antenna having a high impedance backing comprising: a radiation element (102) provided on a dielectric substrate; a grounding conductor (116) surrounding a periphery of an outer edge portion of the radiation element at a position spaced away outwardly from the outer edge portion; and a conductive member(102) provided on a surface at a position spaced away outwardly from an outer edge portion of the grounding conductor (116). See figures 1-16, col.2, lines [0026] to col.6, lines 1-[0080].

Regarding claim 2, Mckinzie discloses wherein the conductive member (102) surrounds the periphery of the edge portion of the grounding conductor at a position spaced away outwardly from the outer edge portion. See figures 1-16.

Regarding claim 3, Mckinzie discloses an on-board antenna as set forth in Claim 2, wherein the conductive member is circular-shape. See figure 7, col.6, lines [0068] to lines [0069].

Regarding claim 4, Mckinzie discloses an on-board antenna as set forth in Claim 1, wherein the conductive member is film. See col.2, lines [0032] to lines [0033].

Regarding claim 5, Mckinzie discloses an on-board antenna as set forth in Claim 1, further comprising: a linear antenna provided at a position spaced away from the conductive member and at the opposite side of the grounding conductor. See col.2, lines [0026] to col.6, lines 1-[0080].

Regarding claim 6, Mckinzie discloses an on-board antenna comprising: a radiation element provided on a dielectric substrate; a grounding conductor surrounding a periphery of an outer edge portion of the radiation element at a position spaced away outwardly from the outer edge portion; and a pair of conductive members provided on the surface at a position spaced away outwardly from an outer edge portion of the grounding conductor so as to oppose each other. See figures 1-16, col.2, lines [0026] to col.6, lines [0080].

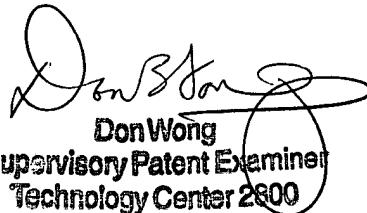
***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Marumoto et al (US 6,556,168) and Kalt et al. (US 6,057,814) are cited to show an antenna device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Minh A whose telephone number is (571) 272-1817. The examiner can normally be reached on M-F (5:30 –2:30 PM).

If attempts to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Don Wong, can be reached on (571) 272-1834. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and (703) 872-9319 for final communications.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist whose telephone number is (571) 272-1553.



Don Wong  
Supervisory Patent Examiner  
Technology Center 2800

Examiner

Minh A

Art unit 2821

2/02/05